



**CITY OF SUNNYVALE
REPORT
Planning Commission**

October 13, 2003

SUBJECT: **2003-0495 - Classic Communities [Applicant] California Water Services Company [Owner]** - Application for a 62,378 square foot site located at **Crescent Avenue** in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District (APN: 211-37-021):

Motion Special Development Permit to allow 17 attached townhouses.

Motion Tentative Map to allow 17 ownership lots and one common lot.

REPORT IN BRIEF

Existing Site Vacant

Conditions

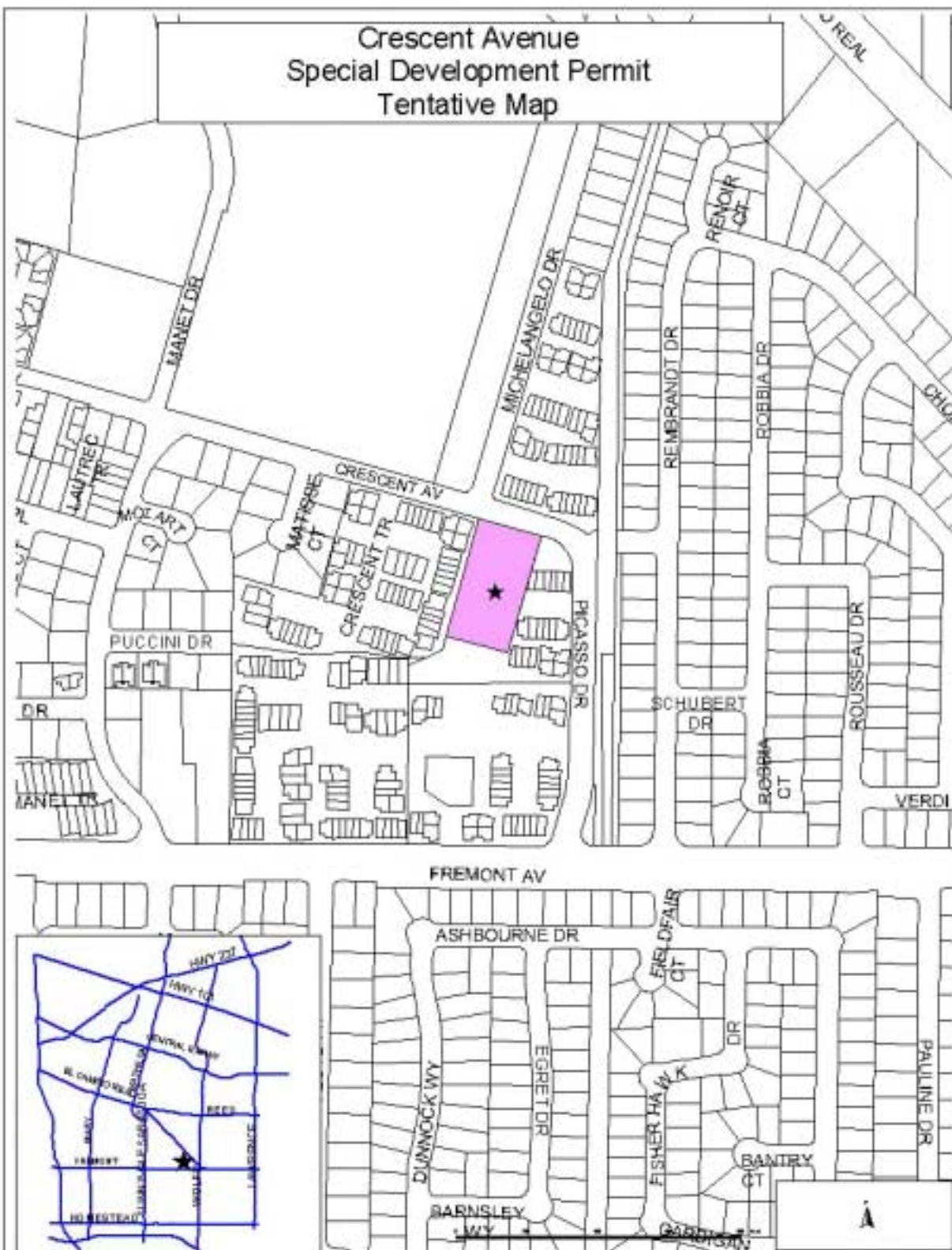
Surrounding Land Uses

North	Low-Medium Density Townhouses
South	Low-Medium Density Townhouses
East	Low-Medium Density Townhouses
West	Low-Medium Density Townhouses

Issues Protection of Existing Landscaping
Aesthetics
Parking
Density

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low-Medium Density	Same	Residential Low-Medium Density
Zoning District	R-2/PD	Same	R-2/PD
★ Lot Size (s.f.)	50,965 s.f. 1.17 acres	13 lots 1,874-2,660 Common lot – 13,300 s.f.	8,000 min.
Gross Floor Area (s.f.)	Vacant	29,175 sq. ft.	No max.
Lot Coverage (%)	N/A	29.9% Individual lots - 36- 52%	40% max.
Floor Area Ratio (FAR)	N/A	54%	45% threshold for PC Review
No. of Units	0	17	14 max. (17 with density bonus)
Density (units/acre)	0	14.5	12 max. + density bonus
Meets 75% min?	No	Yes	Housing Policy
Bedrooms/Unit	N/A	3 bedrooms/ unit	---
Unit Sizes (s.f.)	N/A	15 – 1,690 2 – 1,698	N/A
No. of Buildings On-Site	0	5	---
Building Height (ft.)	N/A	26 ft.	30 ft. max.
No. of Stories	N/A	2	2 max.

Setbacks (see breakdown in Attachment #5 for more detail)			
★ • Front (along private drive)	N/A	1 st story - Varies from 9' – 17'6" 2 nd story -Varies from 9' – 17'6"	1 st story – 20 ft. 2 nd story – 25 ft.
• Left Side (based on each building)	N/A	1 st story varies from 6' – 33' 2 nd story varies from 6' – 33'	1 st story - 4 ft. 2 nd story – 7 ft.
• Right Side (based on each building)	N/A	1 st story varies from 6' – 18 2 nd story varies from 6' – 18	1 st story - 8 ft. 2 nd story – 11 ft.
★ • Rear (based on each building)	N/A	1 st story varies from 10' – 22'6" 2 nd story varies from 10' – 22'6"	1 st story - 10 ft. * 2 nd story – 20 ft.
Landscaping (sq. ft.)			
• Total Landscaping	N/A	20,650	10,200 min.
• Landscaping / Unit	N/A	1,214	850 min.
• Usable Open Space / Unit	N/A	808	500 min.
Parking			
• Total No. of Spaces	N/A	49	41 min.
• No. of Covered Spaces	N/A	19	19 min.
• Private Drive Width (ft.)	0	20 ft.	20 ft. min.

* Provided that the structure does not cover more than 25% of the required rear yard area.

- Requested deviation



ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0188	To allow subdivision of one lot into two	Administrative Hearing / Approved	4/30/03

A proposal for 13 single-family homes (including one Below Market Rate unit) at the same site was reviewed at a Planning Commission study session on September 8th of this year. At that meeting, the Planning Commission commented on the following issues related to the project: parking, density, setbacks and size of the units (See Attachment #5 - 13 single-family unit plan).

Staff had some concerns with the number of deviations that had been requested and the style of the units. The previous plan for 13 single-family homes included landscape and parking easements for most of the units. The proposal also included tandem style garages in an effort to meet parking requirements (dimensional and size requirements were not met). Setback deviations were requested with this earlier proposal and homes were proposed to be located close to the neighboring development.

The applicant met with the neighboring Sunset Oaks Townhouse residents on multiple occasions to present the single-family proposal for the site. Due to the various concerns from the residents and numerous requested deviations, the project has since been altered to feature seventeen attached townhouses. (See "Public Contact" section of the report) The latest proposal has requested fewer deviations from Sunnyvale Municipal Code. Although the density of the project has increased, this proposal has increased setbacks, landscaping/open space per unit and decreased the size of the units. The proposal also meets parking requirements for townhouses.

Description of Proposed Project

The project proposes the construction of 17 attached townhouses on a vacant lot. The existing lot is Zoned R-2/PD (Low-Medium Density Residential / Planned Development). The units will be located within five buildings that are two stories in height. There are two different unit styles; each with three bedrooms. A private street will extend the length of the site providing access to private garages for each unit. Unassigned parking will be located at various locations on the site. Each unit will include a front porch and private backyard area. Since the Planning Commission Study Session, the applicant has redesigned the site to accommodate the need to reduce deviations such as increased setbacks, parking, landscaping and useable open space.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Special Development Permit

Use: The proposed use is for multi-family residential. Seventeen attached townhouses are proposed within the 1.17-acre site. The proposed density is 14.5 du/acre. The zoning of the site allows up to 14 du/acre with a 15% + 1 density bonus for the provision of two BMR units. The Land Use and Transportation Element allows up to 12 du/acre, however state law allows a city to exceed general plan densities in connection with the provision for affordable housing. The Housing and Community Revitalization Sub-element has a policy that "all new residential developments should build at least 75% of the permitted zoning density." (Policy A.2) The Zoning Code allows a density bonus if a project complies with all other provisions of Title 19. The base project is requesting deviations from a few applicable zoning provisions.

Site Layout: The proposed site was part of a larger parcel that was subdivided in April of this year. The smaller lot, which contains a well, will remain unaffected by the development. The applicant proposes to construct five two-story buildings on the site (See Site Plan in Attachment #4). A two-way private street runs through the middle of the proposed development with a vehicular turnaround situated at the south end of the site. A walkway along the private street provides access for pedestrians to Crescent Avenue.

A proposal for single family homes was originally designed with numerous setback deviations (See Attachment #7 for a breakdown of each lot). The current proposal has increased setbacks in many of these locations on the site; however, certain setback deviations remain. Each unit does not meet the required front yard setback. The average front yard setback is 14.5 feet where 20 feet is required. The required rear yard setback for properties in the R-2 Zoning District is 20 feet. Lots 1 and 2 are located closer to the rear property line at 10 feet. This is not considered a deviation as a 10-foot encroachment is permitted, provided that no more 25% of the rear yard is covered. A portion of these two homes is setback 16 feet 8 inches. The second story is setback from the rear property line at approximately 10 feet. Lots 3 through 9 will include a rear setback of 21 feet, with portions setback at 23 feet. Lots 10 through 17 will maintain a 19 -foot rear yard setback. However portions of these homes are setback 21 feet. Therefore an average of 20 feet is maintained.

Setbacks based on each building (ft.):

Unit #	Front	Sides (left & right)	Rear
1 & 2	9	6 & 17	10
3 - 6	11 – 17.5	18 & 6	21 (Average 22)
7 – 9	12 - 15.5	6' & 33	21
10 – 13	12-15.5	21 & 6	19 (Average 20)
14 - 17	15.5 – 17.4	6 & 6	19 (Average 20)

The original proposal requested smaller rear yards for most of these homes. Due to the proximity of the adjacent Sunset Oaks development, staff is more supportive of the revised site design that allows the proposed buildings to be located farther away from the existing

townhouses. Some of the adjacent townhouses east of the site are located as close four feet from the property line.

When reviewing attached townhouses, side setbacks are determined by the proximity of the entire building to the property lines. Properties located in the R-2 Zoning District require a twelve foot combined setback (minimum of four on one side). As noted in the Data Chart and Site Plan of this report, each of the five buildings meets this requirement.

Along with first-story front yard setbacks, second-story setbacks are not met at this location. (See Data Sheet). In general, staff is more supportive of a design that includes increased setbacks for two-story homes; however, staff feels the proposed design adequately incorporates visual interest and variation within the second story of the structures.

The proposal includes deviations from R-2 lot size and lot width standards. Staff supports the reduced lot size and lot width of each individual lot in order to facilitate the townhouse development, which would create home ownership opportunities. The proposed development meets the overall lot coverage standard at 30%. Deviations from individual lot coverage and interior side yard setbacks are common and typically necessary for attached units.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
Site Design B9. Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.	The proposed project offers private open space to each unit with internal circulation through a private street. Additional landscaping on the site will provide an attractive overall streetscape

Floor Plan: The project offers two different styles of units that are slightly less than 1,700 square feet in area, including space devoted to the garage and porch area. (See Attachment 4) Unit 1 and 2 differ from Units 3 – 17. These two units contain two car garages, thus comprise less living space than the remaining 15 units. Living area for the seventeen town houses range from 1,338 to 1,398 square feet. The two types of units contain three bedrooms and two and a half bathrooms. The earlier single family unit proposal included homes that contained up to 1,900 square feet of living space.

Architecture: The project utilizes craftsman style architectural features for the proposed townhouses. Each unit incorporates gable elements to the front façade. The structure will present wood siding along the façade of each elevation. Additionally, each unit incorporates a stone base feature within the front pillars of the entryway. Changes in wall plane help break up the massing of structure. The adjacent Sunset Oaks townhouses, which were built approximately 30 years ago, have a hipped roof design with neutral colors on each building elevation.

Due to the proximity of the nearby townhouses to the east and west, staff is including Condition of Approval #7, which requires that the master bedroom windows of each of the end units (Units #3, 6, 7, 9, 10, 13, 14, 17), to be relocated to face the side yard. The windows would face the north or south in an effort to improve privacy of the neighboring development.

The roof material will consist of 50-year dimensional composition shingle. Additional detail provided on the windows present an improved visual appearance of each elevation. The height of the proposed building is 26 feet. The maximum allowable height is 30 feet in the R-2 Zoning District. Neighboring structures from the Sunset Oaks development vary from approximately 27 to 28 feet.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>C9. Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.</i>	The design of the building incorporates changes in wall plane and color to add interest. Each building also incorporates gable elements.
<i>B2. Adjacent buildings shall be compatible in height and scale</i>	Each building within the site will have a maximum height of 26 feet. The Sunset Oaks townhouses are similar in scale (two-stories) and height (27-28 ft.)

Landscaping: Residential uses within the R-2 Zoning District are required to provided a minimum of 850 square feet of landscaping and 500 square feet of useable open space per unit. The proposed development meets these requirements with approximately 1,200 square feet of landscaping and 808 square feet of useable open space per unit. The proposal will protect a significant tree at the southeast corner of the lot. This Coast Live Oak tree is considered a protected tree by Sunnyvale Municipal Code 19.94.030. There are eight trees that meet this definition on the neighboring well site. These trees are located on a separate site and will not be removed with this project. A tree protection plan is required prior to issuance of a building permit for this proposal (Condition of Approval #20b).

In addition to four trees (one significant) that are preserved on site, a total of 61 new trees are proposed at various locations of the site; 28 Olive trees, 25 Brisbane Box trees, 6 Kousa Dogwood trees.

A six-foot fence will lie along the east and west property lines of the site. An eight-foot fence that incorporates a two-foot lattice will lie along the south property line.

Due to the proximity of proposed homes to the adjacent Sunset Oaks development, staff recommends additional landscaping, more specifically trees, to be located along the east property line. These additional trees will help provide an increased visual buffer to the abutting development. Condition of Approval #20, requires the applicant to submit a landscape and irrigation plan subject to review and approval by the Director of Community Development prior to the issuance of a Building Permit. The additional trees along the east property line of the site shall be indicated on this plan. New landscaping will help improve the aesthetics of the site from neighboring properties and also mitigate privacy concerns.

The following Guidelines were considered in analysis of the project landscaping.

Design Policy or Guideline (Landscape)	Comments
A4. Properly landscape all areas not covered by structures driveways, and parking.	The site meets the total landscaping requirement for each unit and will provide 61 additional trees throughout the site.
D1. Adequately landscape all parking areas to reduce the effects of heat and glare from paving, and for visual relief.	The project proposal is to meet the shading requirement for the parking surfaces with over 50% coverage.

Parking/Circulation: Each townhouse has one-car garage with the exception of units 1 and 2, which make use of a two-car garage. Uncovered parking is also provided in front of each individual unit. One space is provided for Units 3-17 while two spaces are provided for Units 1 and 2. A total of 49 spaces are proposed for the site (19 covered). For this proposed development, Sunnyvale Municipal Code requires 22 spaces in addition to the provided covered parking. The proposal includes 19 spaces located directly in front of the individual homes. Staff is concerned that these spaces will not be utilized as guest parking. Five "guest" parking spaces are proposed at the south end of the site, while six additional spaces are scattered throughout the site in various locations. Therefore, a total of 30 spaces will be provided. Staff feels that the additional eight spaces over the required 22 are sufficient for the site. Additionally, staff is recommending as Condition of Approval #32, that three additional spaces located in front of homes to be designated as "Guest Parking." One accessible space is also required based on the number of guest parking spaces.

Proposed Covered Parking	19
Proposed parking located in front of homes	19
"Guest" parking located throughout site	11
Total "Guest" spaces provided (C.O.A. # requires that 3 of spaces located in front of the homes be for "Guest Parking")	14
Total Parking Provided for the site	49
Required Parking including (22 "Guest spaces")	41

Street parking will be prohibited along the private street due to the required 24-foot street width. The site provides a 24' 6" private street. Staff recommends Condition of Approval #28 requiring that all curbs along the private street and driveway be designated as "no parking" and marked with a red curb.

Trash Enclosure: Sunnyvale Municipal Code 19.38.030 states that multi-family uses require a centralized trash and recycling enclosure for the site. This proposal requests that each home will provide individual containers to meet this requirement. This would be similar to how single-family homes meet the requirement. The Solid Waste Division of Department Public Works supports this request for this specific site. The street turnaround at the south end of the site meets clearance requirements needed for garbage pick-up trucks.

Tentative Map

General: The tentative map proposes the subdivision of the existing parcel into seventeen parcels, plus one common lot. The proposed parcels do not meet the required minimum lot size (8,000 sq. ft.) or the established frontage requirement (76 ft.) for parcels in the R-2 Zoning District; however, the proposed parcel sizes and configuration may be permitted through the PD Zoning designation. The lot sizes and configuration are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern. Therefore, staff supports the requested deviations in minimum lot size and street frontage.

Access: The townhouse units are provided access through the use of a private street that runs from Crescent Avenue through the middle of the site. A turnaround is located at the south end of the site.

Staff recommends requiring the formation of a homeowner's association and CC&R's allowing the joint use of the private street, the guest parking spaces, common landscaping areas and common lots.

Park In-Lieu Fee: The developer will be required to pay Park In-lieu fees prior to approval of the Final Map by the Director of Public Works (See Tentative Map Planning Division Condition of Approval #6).

Below Market Rate Units:

Sunnyvale Municipal Code requires that the current proposal offer 12.5 percent of the total ownership units (before applying any density bonus) to be provided for below market rate. Therefore, this project will offer two below market rate units. Staff has included Conditions of Approval #11-#17 to reflect this requirement.

Compliance with Development Standards

Requested Deviation	Justifications
<ul style="list-style-type: none">• Lot sizes of less than 8,000 sq. ft.	<ul style="list-style-type: none">• Increase the opportunity for home ownership.• Provides additional housing units through the density bonus program.• Recognizes existing lot constraints and siting options. The project site is limited due to a narrow frontage on Crescent Avenue• Reduced setbacks for the front and rear allow for density to be consistent with the Zoning District.• The project includes a variety of architectural features including gables, changes in wall plane, and stone bases, which provide visual interest and maintain residential character.• Project exceeds total landscaping requirements and includes the installation of sixty-one trees. More trees are required with Condition of Approval #25a
<ul style="list-style-type: none">• Lot widths of less than 76 ft.	
<ul style="list-style-type: none">• Centralized trash enclosure for multi-family	
<ul style="list-style-type: none">• Second-story setbacks for Units 1 and 2	
<ul style="list-style-type: none">• Frontage Landscaping at 6 feet where 15 feet is required	

Expected Impact on the Surroundings

The development of a currently vacant lot will result in new residents to the area. The Traffic Division of the Department of Public Works has determined that this increase in population to the area does not warrant a need for a traffic study. The site provides adequate parking for the new development and should not cause a significant increase to curbside parking in the surrounding area. The new development will cause a visual impact from adjacent properties and the street. Landscaping and trees between the sites and street will help soften the appearance of the new structures. The height of the development is lower than the adjacent Sunset Oaks Townhouse development.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Three outreach meetings have been held with the residents of Sunset Oaks by the developer. Two meetings were held regarding the earlier proposal of 13 single-family homes. At that time residents of sunset Oaks were concerned with the parking, traffic, aesthetics, proximity of units, and general maintenance of the site. Residents were also concerned with the increased density and larger size of the proposed units. Many residents felt the homes were out of character with the neighborhood.

The most recent outreach meeting was held on Monday, October 6. The latest proposal of seventeen townhouses was presented at this meeting. Residents of the Sunset Oaks Townhouse development voiced their opposition and concerns with the latest proposal. Many residents were principally concerned with the increased density of the latest proposal. Additional concerns include the need for more parking, improved aesthetics, location of fences, and loss of landscaping. Many residents felt the new proposal was not an improvement of earlier proposals for the site. Reference "Attachment #8" for letters regarding both proposals.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Negative Declaration
4. Site and Architectural Plans
5. Plans from 13 unit single-family proposal
6. Breakdown of Development Standards lot-by-lot
7. Written of the project from the applicant
8. Letters from other interested parties

Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as discussed below:

Land Use and Transportation Element

C2.2 Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

The proposed project will create 17 additional townhouse style ownership units. The project meets the Housing and Community Revitalization Sub-Element Goal of providing at least 75% of the permitted number of residential units. The neighborhood is predominately multi-family townhouse style housing. The building design and architecture will enhance the neighborhood.

N1.4.1 Require infill development to complement the character of the residential neighborhood.

The proposed development will complement the surrounding multi-family neighborhood with a similar townhouse style of housing. The two-story homes will help preserve the character of the neighborhood while introducing new homeownership opportunities to the area

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the site meets the City-Wide Design Guidelines. The project will be a compatible with the architecture and scale of the surrounding area. The project provides internal orientation and is visually connected to surrounding properties through proposed and required landscaping, and building site design.

Findings - Tentative Map

The Planning Commission shall deny the Tentative Map if it makes any of the following findings:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

The subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the Zone and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

Conditions of Approval - Special Development Permit

In addition, to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit.

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of any building permits.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development.
6. Specific Deviations allowed with this Special Development Permit are as follows:
 - a. Rear yard first-story setbacks of less than 20 feet for certain locations as noted on site plans.
 - b. Second story setbacks in certain locations as noted on site plans.
 - c. Centralized trash/enclosure for multi-family development
 - d. Landscape frontage of 6 feet where 15 feet is required.
 - e. Lot sizes and widths.
7. The master bedrooms windows of Units #3, 6, 7, 9, 10, 13, 14, 17 shall be repositioned to either the north or south sides of the building.
8. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
9. The development of the site is subject to Stormwater Pollution Prevention's Best Management Practices (BMPs) and shall be incorporated into its design to the extent feasible.
10. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
11. Construction activity is permitted between the hours of 7am to 6pm. Weekdays, 8am to 5pm on Saturdays. There shall be no construction on Sundays or National holidays.

Below Market Rate Units

12. The project will provide a total of two for purchase below market rate units. Sales prices will be determined by the Director of Community Development at the time of building permit issuance in accordance with adopted codes.
13. Prior to the issuance of an occupancy permit for any part or phase of the development, developer shall execute and record certain "Resale Controls" in a form approved by the City Attorney which shall affect title to the designated BMR units (2 units). Such resale controls shall be designed and intended to bind successors in interest, running with the land for the period of 30 years from the date of recordation thereof. Receipt by the Director of Community Development or his designee of proof of recordation of the resale controls shall be a condition precedent to issuance of a permit to occupy the development.
14. Conditions applying to any ownership units:
 - a. The original sales price of ownership BMR units shall comply with sales prices established by City Council.
 - b. Developer shall offer said BMR units for sale only to persons qualified under the terms of Sunnyvale Municipal Code Chapter 19.66, as amended. Offers shall be in writing and shall be held open for no less than 90 days.
 - c. Following acceptance of an offer of sale, developer shall execute all necessary sales documents, and shall use its best efforts to complete each sale transaction.
 - d. In the event that any BMR unit or portion thereof is destroyed by fire or other cause, all insurance proceeds there from shall be used to rebuild such units, or, in the alternative, shall be used to repay any encumbrance on such units, and the balance, if any, shall be distributed to the City of Sunnyvale. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units.

Utilities

15. Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
16. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.

Homeowners Association

16. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:
 - a. The Conditions of Approval of this Special Development Permit.
 - b. Provisions for short and long term maintenance of all three common lots, landscaping areas, recreational areas, parking, driveways, and utility connections.

- c. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
 - d. Provisions for a homeowners association.
- 17. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common faculties and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.

Building Design

- 18. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.
- 19. Roofing materials and colors shall be approved by the Director of Community Development prior to issuance of the Building Permit.

Landscaping and Site Plans

- 20. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a. Increased landscaping and additional trees along the east side of the property.
 - b. A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
 - c. Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
 - d. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - e. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - f. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
 - g. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - h. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

- i. All areas not required for parking, driveways or structures shall be landscaped.
- 21. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.
- 22. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
 - a. Sodium vapor (of illumination with an equivalent energy savings).
 - b. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - c. Provide photocells for on/off control of all security and area lights.
 - d. Lights shall have shields to prevent glare onto adjacent residential properties.
- 23. Submit a decorative paving plan for the driveways and the interior street, indicating details of materials, patterns, and colors for review and approval by the Director of Community Development

Parking/Access

- 24. An easement for emergency access shall be granted to the city over the entire area of the interior street.
- 25. Garages shall be maintained at all times to allow for the parking of one automobile for Units A, B and C and two automobiles for Unit D.
- 26. Property owners shall maintain the garage spaces for the parking of vehicles and recreational vehicles over 18 feet in length are prohibited from being stored on site.
- 27. Three of the uncovered parking spaces located in front of the garages shall be labeled "Guest Parking" as approved by the Director of Community Development.
- 28. All curbs along the private street and driveway be designated as "no parking" and marked as a red curb.
- 29. All recycling and solid waste shall be confined to approved receptacles and enclosures. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval.

Conditions of Approval - Tentative Map

A. Planning Division

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$6,146.04 per unit shall be paid in accordance with MCS 18.10.

B. Building Safety Division

1. Obtain Grading Permits as required (MCS 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap all septic tanks and irrigation systems in accordance with Building Safety regulations.

C. Public Works

1. This project is subject to, and contingent upon, the recordation of a Tract Map. Said Tract Map shall have adequate reservations of public and/or private utility, ingress/egress easements and/or abandonment of existing easements to the satisfaction of the Public Works Director. Tract Map shall be recorded prior to any permit issuance.
2. The developer shall pay all Public Works development fees associated with the project, including but not limited to; utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
3. The interior private access road and the parking area shall be designated as a letter lot on the Tract Map.

4. This project requires dedication of private access road as emergency vehicle ingress-egress easement.
5. No permanent structures are allowed within any of the public/private easement limits.
6. The developer shall provide calculations of peak dry-weather sanitary sewer flow generated by the new development. Existing sanitary sewer line fronting the project site shall be evaluated (video inspection and/or flow measurement or other methods acceptable with the City) to ensure adequate accommodation for the new development.
7. Sanitary sewer lines on private access road serving two lots or more shall be designated as public sewer system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map.
8. Water lines on private access road shall be designated as public water system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map. A separate water meter shall be provided for each lot.
9. The on-site drainage shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
10. Connect to all City utilities or private utilities operating under a City franchise, which provides adequate levels of service.
11. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
12. All public improvements (Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers etc.) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by the Department of Public Works.
13. Construct all public improvements prior to occupancy.
14. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site caused by the development.
15. Existing and proposed on-site and street frontage electrical, telephone and cable TV services shall be placed underground or removed prior to occupancy (MC 19.46.060).
16. All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services to each lot.
17. Any existing deficient public improvements shall be upgraded to the satisfaction of the Director of Public Works.
18. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.

19. Any landscaping proposed within a public utility easement is subject to approval by the Director of Public Works and Director of Community Development.
20. All landscape and irrigation systems, located in the park strip areas shall be connected to the water system metered to the property owner.
21. An "Occupancy Permit" shall be required for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way, to the satisfaction of the Director of Public Works and the Director of Community Development.
22. The existing sidewalk encroachment shall be resolved with adjacent property owner(s) prior to map recordation.
23. The project requires the relocation of an existing street light on Crescent Ave.
24. The developer shall execute a Subdivision Agreement and post surety bond(s) in a form acceptable to the City and/or cash deposit(s), guaranteeing completion for all proposed public improvements, prior to Map recordation.
25. A hydrology/hydraulics analysis is required during the plan check process and the stormwater discharged into the City system shall be to the satisfaction to the Director of Public Works prior to issuance of any permits.
26. Each lot shall drain to the street or other approved drainage facility. Cross lot drainage shall be minimized.
27. Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted prior to occupancy release.

D. Fire Prevention

1. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec. 1.12(I); UFC 1982 Edition).
2. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).

E. Other Public Agencies

1. Pay School Tax fees prior to issuance of a Building Permit.

[*File Number*] [*Applicant Name*]

Attachment 3

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